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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/925,457	08/10/2001	Ching-Lai Tsai	MR1115-351	4613
4586	7590	01/11/2005	EXAMINER	
ROSENBERG, KLEIN & LEE 3458 ELLICOTT CENTER DRIVE-SUITE 101 ELLIOTT CITY, MD 21043			BAKER, CHARLOTTE M	
			ART UNIT	PAPER NUMBER
			2626	

DATE MAILED: 01/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/925,457	TSAI, CHING-LAI
	<b>Examiner</b>	<b>Art Unit</b>
	Charlotte M Baker	2626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

**A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.**

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on \_\_\_\_\_.
- 2a) This action is FINAL.                    2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-6 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-6 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 10 August 2001 is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    - a) All    b) Some \* c) None of:
      1. Certified copies of the priority documents have been received.
      2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
      3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                     | Paper No(s)/Mail Date. _____ .  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ . | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____ .                                  |

## **DETAILED ACTION**

### ***Drawings***

1. The drawings are objected to because Figure 2 does not include any text information inside the blocks (100, 110, 120, 130, 140, 140A, and 150). Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled “Replacement Sheet” in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

### ***Specification***

2. The abstract of the disclosure is objected to; replace “address” with “addresses” in line 8. Correction is required. See MPEP § 608.01(b).
3. The disclosure is objected to because of the following informalities: p. 8, ln. 2, replace “address” with “addresses”; p. 9, ln. 22, replace “assumed” with “assume”.

Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1-6 provide for the use of a method for saving and searching image adjusting parameter, but, since the claims do not set forth any steps involved in the method/process, it is unclear what method/process applicant is intending to encompass. A claim is indefinite where it merely recites a use without any active, positive steps delimiting how this use is actually practiced.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

7. Claims 1, and 3-6 are rejected under 35 U.S.C. 102(e) as being anticipated by Hondl (6,728,398).

**Regarding claim 1:** Hondl discloses a method for saving (col. 3, ln. 1-2) and searching (col. 2, ln. 62-65) image adjusting parameter (Fig. 1, indexed-color image creation process 100), used for an output parameter (Fig. 1, indexed-color image 108) of digital image adjustment for an image capture equipment (col. 3, ln. 46-48), wherein the output parameter (Fig. 1, indexed-color image 108) is divided into a plurality of memory addresses in order (Fig. 1, associative data structure 104 and col. 3, ln. 20-25), and a critical value (Fig. 2, index value, step 208) which is selected one from maximum and minimum input parameter values in the range (Fig. 1, direct color values 106) is saved into each of said memory addresses (col. 3, ln. 1-2), and after the input image adjusting parameter is inputted (Fig. 1, direct color values 106), the critical value (index value, step 208) and the input parameter value (Fig. 1, direct color values 106) is obtained by binary search comparison from half of the maximum parameter value of the corresponding memory address (col. 2, ln. 62-65), and the increment or the decrement binary search comparison is repeated according to the comparison result (col. 3, ln. 2-25) to obtain the next comparing memory address (Fig. 1, associative data structure 104 and col. 3, ln. 20-25) and the critical value (Fig. 2, index value, step 208) for the comparison until the range of critical value (Fig. 2, index value, step 208) of the input parameter (Fig. 1, direct color values 106) of the memory address (col. 2, ln. 62-65) is searched (col. 2, ln. 62-65), and the numeric value of the memory address (col. 2, ln. 62-65) is converted directly to the output parameter (Fig. 1, indexed-color image 108) responsive to the input parameter value (Fig. 1, indexed-color image 108 and col. 3, ln. 17-19).

**Regarding claim 3:** Hondl satisfies all the elements of claim 1. Hondl further discloses wherein said input parameter value (Fig. 1, direct color values 106) shows a many-to-one function mapping relation (col. 2, ln. 62-65).

**Regarding claim 4:** Hondl satisfies all the elements of claim 3. Hondl further discloses wherein said function mapping relation is an increasing and discontinuous function (col. 3, ln. 20-25).

**Regarding claim 5:** Hondl satisfies all the elements of claim 3. Hondl further discloses wherein said function mapping relation is a decreasing and discontinuous function (col. 3, ln. 37-40).

**Regarding claim 6:** Hondl satisfies all the elements of claim 3. Hondl further discloses wherein each of said output parameter (Fig. 1, indexed-color image 108) is equal to its corresponding memory address value (Fig. 1, associative data structure 104 and col. 3, ln. 20-25).

***Allowable Subject Matter***

8. Claim 2 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims and overcoming the 35 U.S.C. 112 rejection.

***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Charlotte M Baker whose telephone number is (703) 306-3456. The examiner can normally be reached on Monday-Friday 8:00-4:30.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kimberly A Williams can be reached on (703) 305-4863. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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